

DOCKET FILE COPY ORIGINAL

May 9, 2005

DAVID A. O'CONNOR
202-828-1889

Internet address:
david.oconnor@hklaw.com

VIA HAND DELIVERY

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MAY - 9 2005

Marlene H. Dortch, Esq., Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
Attn: Media Bureau, Audio Division

Federal Communications Commission
Office of Secretary

Re: *Amendment of Section 73.202(b), Table of Allotments, FM
Broadcast Stations. (High Point and Liberty, North Carolina)*
MB Docket No. 05-115, RM-11202

Dear Ms. Dortch:

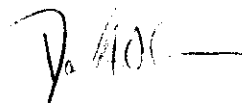
Transmitted herewith, on behalf of Capitol Broadcasting Company, Inc. ("Capitol"), are an original and four (4) copies of its Comments in the above-captioned proceeding.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier.

Should you have any questions about this matter, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP



David A. O'Connor
Counsel for Capitol Broadcasting Company, Inc.

Enclosure
2833415_v1

Received by the court 05/14/05
USDC-DC

RECEIVED

Before the
Federal Communications Commission
Washington, D.C. 20554

MAY - 9 2005

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-115
Table of Allotments,)	RM-11202
FM Broadcast Stations,)	
(High Point and Liberty, North Carolina))	

**COMMENTS OF
CAPITOL BROADCASTING COMPANY, INC.**

Capitol Broadcasting Company, Inc. ("Capitol"), licensee of WFXQ(FM), Chase City, Virginia, Facility Identification No. 51760 ("WFXQ"), by its attorneys and pursuant to Section 1.415 of the Commission's rules,¹ hereby submits its Comments in response to the *Notice of Proposed Rule Making* issued in the above-captioned proceeding.² Capitol interposes no objection to the proposal of Capstar TX Limited Partnership ("Capstar") to allocate Channel 262C to Liberty, North Carolina, subject to a modification in the coordinates proposed by Capstar in this proceeding. In support whereof, Capitol states as follows:

WFXQ is licensed to Chase City, Virginia and has been granted a construction permit to relocate the station to Creedmoor, North Carolina.³ Today, Capitol is filing an application requesting minor modifications to its present Creedmoor, North Carolina construction permit, in order to relocate the proposed

¹ 47 C.F.R. § 1.415.

² *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (High Point and Liberty, North Carolina)*, Notice of Proposed Rule Making, MB Docket No. 05-115, RM-11202, DA 05-709 (rel. Mar. 18, 2005) ("*NPRM*").

³ See FCC File No. BPH-20040809AAJ (granted Nov. 23, 2004).

site of the station. In its application for modification, Capitol proposes a site which will substantially improve the station's proposed coverage area and enhance the signal quality to the public.

The proposed WFXQ site is compliant with the Commission's rules, with the exception that the coordinates proposed in the instant *NPRM* would be short-spaced to the proposed WFXQ site. With a slight modification of the coordinates proposed by Capstar in this proceeding (approximately a change to the west of 17.0 kilometers),⁴ both stations will be able to operate in accordance with the FCC's spacing requirements and serve their intended communities with the required signal strengths. Such a modification should not be unduly burdensome to Capstar since it has proposed a change of transmitter site in its rulemaking petition. Moreover, such a modification is consistent with the Commission's policy to attempt, where possible, to eliminate conflicts between coordinates specified by parties.⁵

⁴ For example, a reference site approximately 13 kilometers closer to Liberty than the reference point proposed by Capstar is discussed in the engineering statement accompanying Capitol's minor modification application attached hereto.

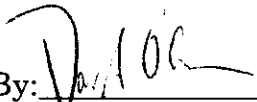
⁵ See, e.g., *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Bon Air, Chester, Mechanicsville, Ruckersville, Williamsburg and Fort Lee, Virginia)*, Memorandum Opinion and Order, MM Docket No. 90-67, 11 FCC Rcd. 5758 ¶ 16 (MMB rel. May 13, 1996); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Saltville, Virginia and Jefferson, North Carolina)*, Report and Order, MM Docket No. 91-137, 10 FCC Rcd. 7578, ¶ 1 n.1 (MMB rel. July 10, 1995); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Newberry Springs, California)*, Report and Order, MM Docket No. 92-202, 10 FCC Rcd. 5047, ¶ 3 (MMB rel. May 9, 1995) (citing *Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments*, 7 FCC Rcd 4917 (1992), recon. granted in part and denied in part, 8 FCC Rcd 4743 (1993)).

A copy of Capitol's modification application is being submitted with these Comments for the convenience of all parties.

For the reasons stated above, the coordinates proposed by Capstar in this proceeding should be modified as requested.

Respectfully submitted,

CAPITOL BROADCASTING COMPANY, INC.

By: 
Marvin Rosenberg
David A. O'Connor
Holland & Knight LLP
2099 Pennsylvania Ave., NW
Suite 100
Washington, D.C. 20006
Its Attorneys

May 9, 2005

EXHIBIT 1



Red Light Display System

[FCC](#) > [Fees](#) > Red Light Display System

[Home](#) | [About Us](#) | [Contact Us](#) | [Privacy Policy](#) | [Help](#) | [Log Out](#)

[Print](#) | [H](#)

5/9/2005 3:47 PM

Current Status of FRN 0001961713

STATUS: Green

You have no delinquent bills which would restrict you from doing business with the FCC.

The Red Light Display System checks all FRNs associated with the same Taxpayer Identification Number (TIN). A green light means that there are no outstanding delinquent non-tax debts owed to the Commission by any FRN associated with the requestor's TIN.

The Red Light Display System was last updated on 05/09/2005 at 8:45 AM; it is updated twice each business day at about 9 a.m. and 7 p.m., ET.

Customer Service

[Red Light Help](#)

[FCC Debt Collection](#)

[FCC Fees](#)

[FCC Web Policies](#)

Red Light Display System Help Line: (877) 480-3201, option 4, 4 (Mon.-Fri. 8 a.m.-6:00 p.m. ET)

Red Light Display System has a dedicated staff of customer service representatives standing by to answer your questions or concerns. You can email us at arinquiries@fcc.gov or fax us at (202) 418-7869.

FCC MB - CDBS Electronic Filing
Application Reference Number: 20050509ACV
Successfully filed at May 9 2005 5:46PM

A Fee Payment is Required for this application.

You can use the FCC's Electronic Form 159 System to pay electronically and/or to print out an appropriate Form 159. Press the button below now or return to this screen later by pressing the "Pay Fee" button on the CDBS Main Menu/ Informal Menu. See the [CDBS User's Guide](#) for more information about fee payment.

[Electronic Form 159](#)

[Return to Main Menu](#)

Payment must be received by Mellon Bank within 14 (calendar) days of the date that the application is officially received by the Media Bureau's electronic filing system (indicated by the reference number above). This deadline applies to any payment submission method (electronic or via a paper check). If payment is not received in time, the filed application will be considered to be **not paid** and will therefore not be processed by the MB.



Federal
Communications
Commission

Electronic Form 159

Payment Confirmation

Your transaction has been approved. For your records, please note the following:

REMITTANCE ID NUMBER :	705513
AUTHORIZATION NUMBER :	225699
AMOUNT PAID :	\$830.00

[PRINT FORM 159](#)[CLOSE](#)

Customer Service

[FCC Fees](#)[FCC Web Policies](#)[FCC Home Page](#)

If you have any questions or concerns please contact your licensing system help desk.

Remittance ID:705513 Authorization Number:225699 -- Successful Authorization -- FILE COPY ONLY!! --

READ INSTRUCTIONS
CAREFULLY BEFORE
PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE
PAGE NO 1 OF 1

APPROVED BY OMB
3060-058

(1) LOCKBOX #358195

SPECIAL USE

FCC USE ONLY

SECTION A - Payer Information

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

Holland & Knight LLP

(3) TOTAL AMOUNT PAID (dollars and cents)

\$830.00

(4) STREET ADDRESS LINE NO. 1

2099 Pennsylvania Ave., N.W.

(5) STREET ADDRESS LINE NO. 2

Suite 100

(6) CITY

Washington

(7) STATE

DC

(8) ZIP CODE

20006

(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE)

202 - 4577040

(10) COUNTRY CODE (IF NOT IN U.S.A.)

US

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0004148995

(12) FCC USE ONLY

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

CAPITOL BROADCASTING COMPANY, INC.

(14) STREET ADDRESS LINE NO. 1

2619 WESTERN BLVD.

(15) STREET ADDRESS LINE NO. 2

(16) CITY

RALEIGH

(17) STATE

NC

(18) ZIP CODE

27606-

(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE)

9198906104

(20) COUNTRY CODE (IF NOT IN U.S.A.)

USA

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0001961713

(22) FCC USE ONLY

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) FCC Call Sign/Other ID

WFXQ

(24A) Payment Type Code(PTC)

MPR

(25A) Quantity

1

(26A) Fee Due for (PTC)

\$830.00

(27A) Total Fee

\$830.00

FCC Use Only

(28A) FCC CODE 1

51760

(29A) FCC CODE 2

CDBS20050509ACV

(23B) FCC Call Sign/Other ID

(24B) Payment Type Code(PTC)

(25B) Quantity

(26B) Fee Due for (PTC)

(27B) Total Fee

FCC Use Only

(28B) FCC CODE 1

(29B) FCC CODE 2

Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0027 (September 2004)

FOR FCC USE ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.
- 20050509ACV

Read INSTRUCTIONS Before Filling Out Form

Section I - General Information

1. Legal Name of the Applicant

CAPITOL BROADCASTING COMPANY, INC.

Mailing Address

2619 WESTERN BLVD.

City

RALEIGH

State or Country (if foreign address)

NC

ZIP Code

27606 -

Telephone Number (include area code)

9198906104

E-Mail Address (if available)

FCC Registration Number:

0001961713

Call Sign

WFXQ

Facility ID Number

51760

2. Contact Representative (if other than Applicant)

DAVID A. O'CONNOR

Firm or Company Name

HOLLAND & KNIGHT LLP

Telephone Number (include area code)

2028281889

E-Mail Address (if available)

DAVID.OCONNOR@HKLAW.COM

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

☐ Governmental Entity ☐ Other

4. Application Purpose

☐ New station

☐ Major Modification of construction permit

☐ Major Change in licensed facility

☒ Minor Modification of construction permit

☐ Minor Change in licensed facility

☐ Major Amendment to pending application

☐ Minor Amendment to pending application

(a) File number of original construction permit:

BPH-20040809AAJ ☐ NA

(b) Service Type:

☐ AM ☒ FM ☐ TV ☐ DTV

(c) Community of License:

City: CREEDMOOR

State: NC

(d) Facility Type

☒ Main ☐ Auxiliary

If an amendment, submit as an Exhibit a listing by
Section and Question Number the portions of the pending
application that are being revised.

[Exhibit 1]

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

<p>1. Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No		
<p>2. Parties to the Application.</p> <p>a. List the applicant, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.</p> <table border="0"> <tr> <td data-bbox="235 462 941 672"> <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> </td> <td data-bbox="941 462 1498 703"> <p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p> </td> </tr> </table>		<p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p>	<p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p>
<p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p>	<p>(2) Citizenship.</p> <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> <p>(4) Percentage of votes.</p> <p>(5) Percentage of total assets (equity plus debt).</p>		
<p>[Enter Parties/Owners Information]</p>			
<p>b. Applicant certifies that equity and financial interests not set forth above are non-attributable.</p>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 2]		
<p>3. Other Authorizations. List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.</p>	<input type="checkbox"/> N/A [Exhibit 3]		
<p>4. Multiple Ownership.</p>			
<p>a. Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application?</p> <p>If "YES," radio applicants must submit as an Exhibit a copy of each such agreement for radio stations.</p>	<input type="radio"/> Yes <input checked="" type="radio"/> No [Exhibit 4]		
<p>b. Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules.</p> <p>Radio applicants only: If "Yes," submit an Exhibit providing information regarding the market, broadcast station(s), and other information necessary to demonstrate compliance with 47 C.F.R. § 73.3555(a).</p>	<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 5]		
<p>All Applicants: If "No," submit as an Exhibit a detailed explanation in support of an exemption from, or waiver of, 47 C.F.R. § 73.3555.</p>			
<p>c. Applicant certifies that the proposed facility:</p> <ol style="list-style-type: none"> 1. does not present an issue under the Commission's policies relating to media interests of immediate family members; 2. complies with the Commission's policies relating to future ownership interests; and 3. complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors. 	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]		
<p>5. Character Issues. Applicant certifies that neither applicant nor any party to the application has</p>	<input type="radio"/> Yes <input type="radio"/> No		

or has had any interest in or connection with:	
a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	See Explanation in [Exhibit 7]
b. any pending broadcast application in which character issues have been raised.	
6. Adverse Findings. Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.	<input type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
7. Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 9]
8. Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	<input type="radio"/> Yes <input type="radio"/> No
9. Local Public Notice. Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	<input type="radio"/> Yes <input type="radio"/> No
10. Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A [Exhibit 10]
An exhibit is required unless this question is inapplicable.	
11. Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No
12. Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing

JAMES F. GOODMON

Signature

Typed or Printed Title of Person Signing

PRESIDENT

Date

5/9/2005

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III-B - FM Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: 260

2. Class (select one):

☐ A ☐ B1 ☐ B ☒ C3 ☐ C2 ☐ C1 ☐ C0 ☐ C ☐ D

3. Antenna Location Coordinates: (NAD 27)

Latitude:

Degrees 36 Minutes 2 Seconds 49 ☒ North ☐ South

Longitude:

Degrees 78 Minutes 41 Seconds 28 ☒ West ☐ East4. One Step Proposal Allotment Coordinates: (NAD 27) ☒ Not Applicable

Latitude:

Degrees Minutes Seconds ☐ North ☐ South

Longitude:

Degrees Minutes Seconds ☐ West ☐ East

5. Antenna Structure Registration Number: 1232491

☐ Not Applicable ☐ Notification filed with FAA

6. Overall Tower Height Above Ground Level:

86meters

7. Height of Radiation Center Above Mean Sea Level:

167 meters(H)

167 meters(V)

8. Height of Radiation Center Above Ground Level:

60meters(H)

60meters(V)

9. Height of Radiation Center Above Average Terrain:

66meters(H)

66meters(V)

10. Effective Radiated Power:

25 kW(H)

25 kW(V)

11. Maximum Effective Radiated Power: ☒ Not Applicable
(Beam-Tilt Antenna ONLY)

kW(H)

kW(V)

12. Directional Antenna Relative Field Values: ☒ Not applicable (Nondirectional)

Rotation (Degrees):

☐ No Rotation

Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
0		10		20		30		40		50	
60		70		80		90		100		110	
120		130		140		150		160		170	
180		190		200		210		220		230	
240		250		260		270		280		290	
300		310		320		330		340		350	

Additional
AzimuthsRelative Field Polar Plot

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

AUXILIARY ANTENNA APPLICANTS ARE NOT REQUIRED TO RESPOND TO ITEMS 13-16. PROCEED TO ITEM 17.

13. **Allotment.** The proposed facility complies with the allotment requirements of 47 C.F.R. Section 73.203.

☒ Yes ☐ No

	See Explanation in [Exhibit 22]
14. Community Coverage. The proposed facility complies with 47 C.F.R. Section 73.315.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 23]
15. Main Studio Location. The proposed main studio location complies with 47 C.F.R. Section 73.1125.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 24]
16. Interference. The proposed facility complies with all of the following applicable rule sections: Check all those that apply: Separation Requirements. <input checked="" type="checkbox"/> a) 47 C.F.R. Section 73.207 Grandfathered Short-Spaced. <input type="checkbox"/> b) 47 C.F.R. Section 73.213(a) with respect to station(s): [Exhibit 26] Exhibit required <input type="checkbox"/> c) 47 C.F.R. Section 73.213(b) with respect to station(s): [Exhibit 27] Exhibit required <input type="checkbox"/> d) 47 C.F.R. Section 73.213(c) with respect to station(s): [Exhibit 28] Exhibit required. Contour Protection <input checked="" type="checkbox"/> e) 47 C.F.R. Section 73.215 with respect to station(s): [Exhibit 29] Exhibit required.	<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 25]
17. Environmental Protection Act. The proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., The facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required. By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 30]

PREPARERS CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name

Relationship to Applicant (e.g., Consulting Engineer)

LOUIS ROBERT DUTREIL JR

CONSULTING ENGINEER

Signature

Date

5/9/2005

Mailing Address

DUTREIL LUNDIN & RACKLEY INC
201 FLETCHER AVE

City

SARASOTA

State or Country (if foreign address)

FL

Zip Code

34237 -6019

Telephone Number (include area code)

9413296004

E-Mail Address (if available)

BOBJR@DLR.COM

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits**Exhibit 5****Description:** COMPLIANCE WITH SECTION 73.3555**Attachment 5****Description****EXHIBIT 5****Exhibit 25****Description:** SHORT SPACED TO RM-11202 AT LIBERTY, NC, CHANNEL 262C0.

SEE TECHNICAL EXHIBIT AS CDBS EXHIBIT 30.

Attachment 25**Exhibit 29****Description:** SECTION 73.215 WITH RESPECT TO WZBB(FM) AND WKXB(FM)

SEE TECHNICAL EXHIBIT AT CDBS EXHIBIT 30.

Attachment 29**Exhibit 30****Description:** SEE ATTACHED TECHNICAL EXHIBIT.**Attachment 30****Description****TECHNICAL EXHIBIT**

Section 73.3555 Compliance

WFXQ(FM) is currently licensed to Chase City, Virginia. The current construction permit authorizes the licensee to relocate the station to Creedmoor, North Carolina. The minor modifications to that construction permit, as proposed herein, would move the transmitter site approximately seven miles west.

Under any of the above scenarios, Capitol Broadcasting Company, Inc. ("CBC") will be in compliance with the multiple ownership rules set forth in Section 73.3555. CBC is the licensee of two television stations in the Raleigh-Durham DMA (WRAL-TV and WRAZ-TV), and the licensee of one radio station in the Raleigh-Durham Arbitron Metro market (WRAL-FM). A licensee with two television stations and one radio station is permitted to own up to six radio stations in a market the size of Raleigh-Durham. CBC is also the licensee of the subject station, WFXQ(FM), which has not yet been assigned to any Arbitron Metro market. Even assuming that WFXQ(FM) is ultimately assigned to the Raleigh-Durham market, CBC would still be in compliance with the multiple ownership rules.

A technical showing and information concerning the Arbitron market for Raleigh-Durham are submitted in support of the above statements. The technical showing and Arbitron information were originally submitted with the application to assign the license to WFXQ(FM) to CBC in February 2005 (*see* FCC File No. BAPLH-20050203ACS, granted April 13, 2005). CBC hereby certifies that the information submitted in February 2005 remains accurate.

RADIO MULTIPLE OWNERSHIP ANALYSIS
RADIO STATION WFXQ(FM)
CREEDMOOR, VIRGINIA

This radio multiple ownership analysis was prepared concerning the proposed acquisition of WFXQ(FM), Chase City, VA / Creedmoor, NC, Channel 260C3. This analysis was prepared under the FCC interim contour analysis method.* The following radio stations are proposed to be under common ownership or control:

Call Sign	City of License	Facilities
WFXQ(FM)	Chase City, VA Creedmoor, NC	Channel 260C3, 12 kW, 143 m (License) [†] Channel 260C3, 22 kW, 89 m (Construction Permit)
WRAL(FM)	Raleigh, NC	Channel 268C, 100 kW, 555 m

The principal community contours of these stations are depicted on a map included herein as Figure 1. The radio multiple ownership analysis considers only those stations with overlapping principal community contours (5 mV/m for AM stations, 3.16 mV/m for FM stations). An ownership study was prepared in accordance with the Federal Communications Commission multiple ownership rules as outlined in Section 73.3555.

Radio Markets

The "radio market" applicable to common ownership of the subject stations is defined as the area encompassed by the mutually overlapping principal

* See Report and Order and Notice of Proposed Rulemaking, MB Docket 02-277, FCC 03-127, Released July 2, 2003.

[†] Shown for reference. There is no principal community contour overlap with the WRAL(FM) facility.

community contours of the stations proposed to be commonly owned. As listed in the table below, there is one defined "radio market" formed by the subject stations:

Defined Radio Market	Stations that Define Radio Market	
	AM Stations	FM Stations
Market 1	--	WFXQ(CP), WRAL

Count of Stations in Defined Markets

The number of radio stations in a "radio market" is determined by counting the operating stations that have principal community contours that intersect the principal community contours that define the radio market. Only those stations located within 92 km of the perimeter of the mutual overlap area of the defined market area were employed in the count of stations. Commonly owned stations, other than those that form the market in question, were not considered in the count of stations in the defined markets. The results of the analysis are tabulated below:

Defined Radio Market	Number of Stations in Radio Market
Market 1	29 AM; 28 FM; 57 Total

Figure 2 is a tabulation of the radio stations identified in the defined radio markets. Only known licensed, operating stations were employed for the study. Distances to the AM coverage contours were predicted using the antenna patterns as identified in the Commission's AM database and the appropriate Ground Wave Field Strength versus Distance Graph described in Section 73.184 of the FCC Rules. Ground conductivity data were obtained from FCC Figure M3. Distances to the FM contours were determined based on the method outlined in Section 73.313 of the FCC Rules. Terrain data were derived from the U.S.G.S. 3-second computer database for each of the FM stations using radials evenly-spaced every 2 degrees of azimuth.

Based on the above, it is concluded that the proposed combination of the stations to be owned complies with Section 73.3555(a) of the FCC Rules.

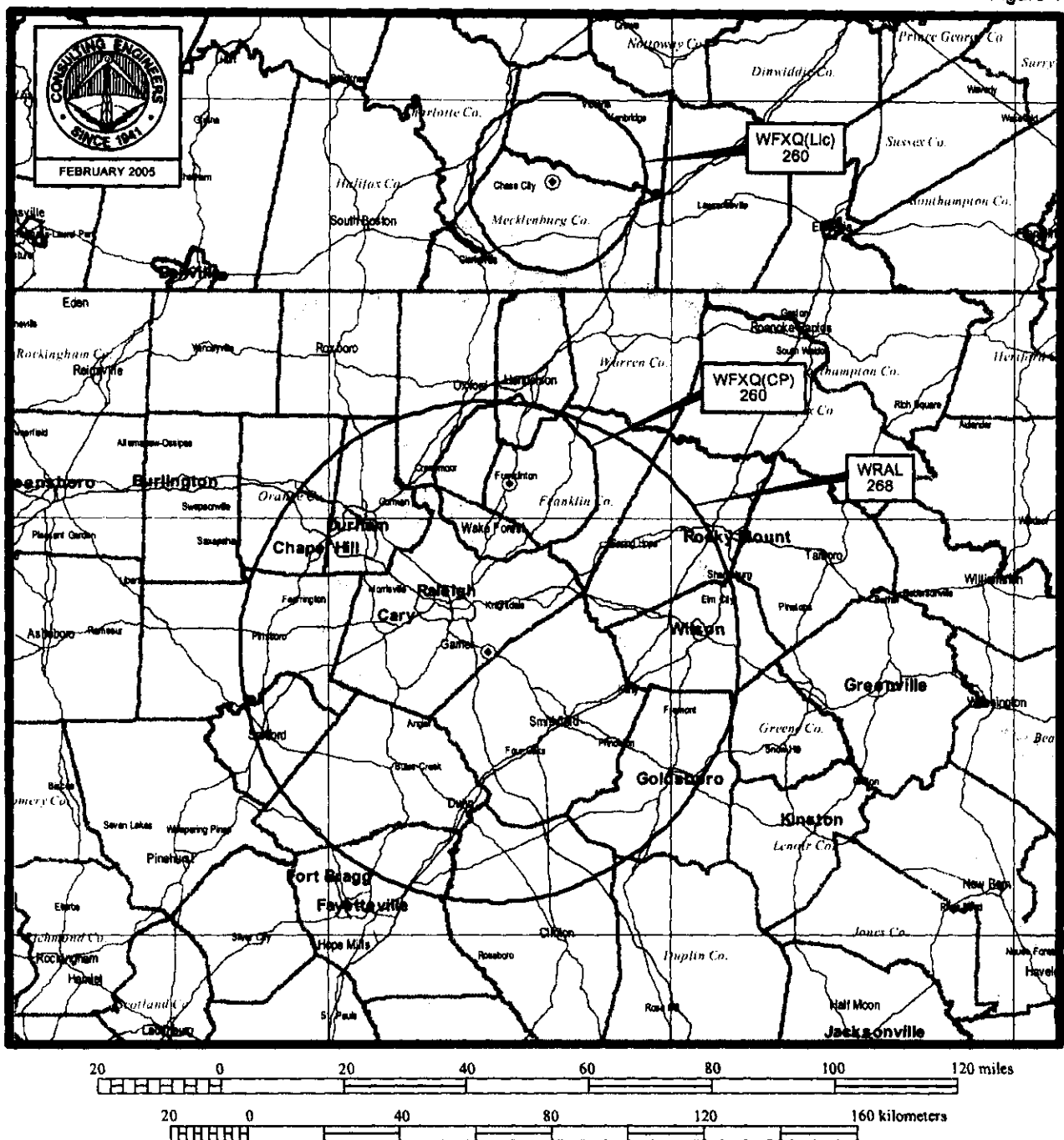


Louis Robert du Treil, Jr.

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

February 1, 2005

Figure 1



PREDICTED PRINCIPAL COMMUNITY CONTOURS OF SUBJECT STATIONS

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

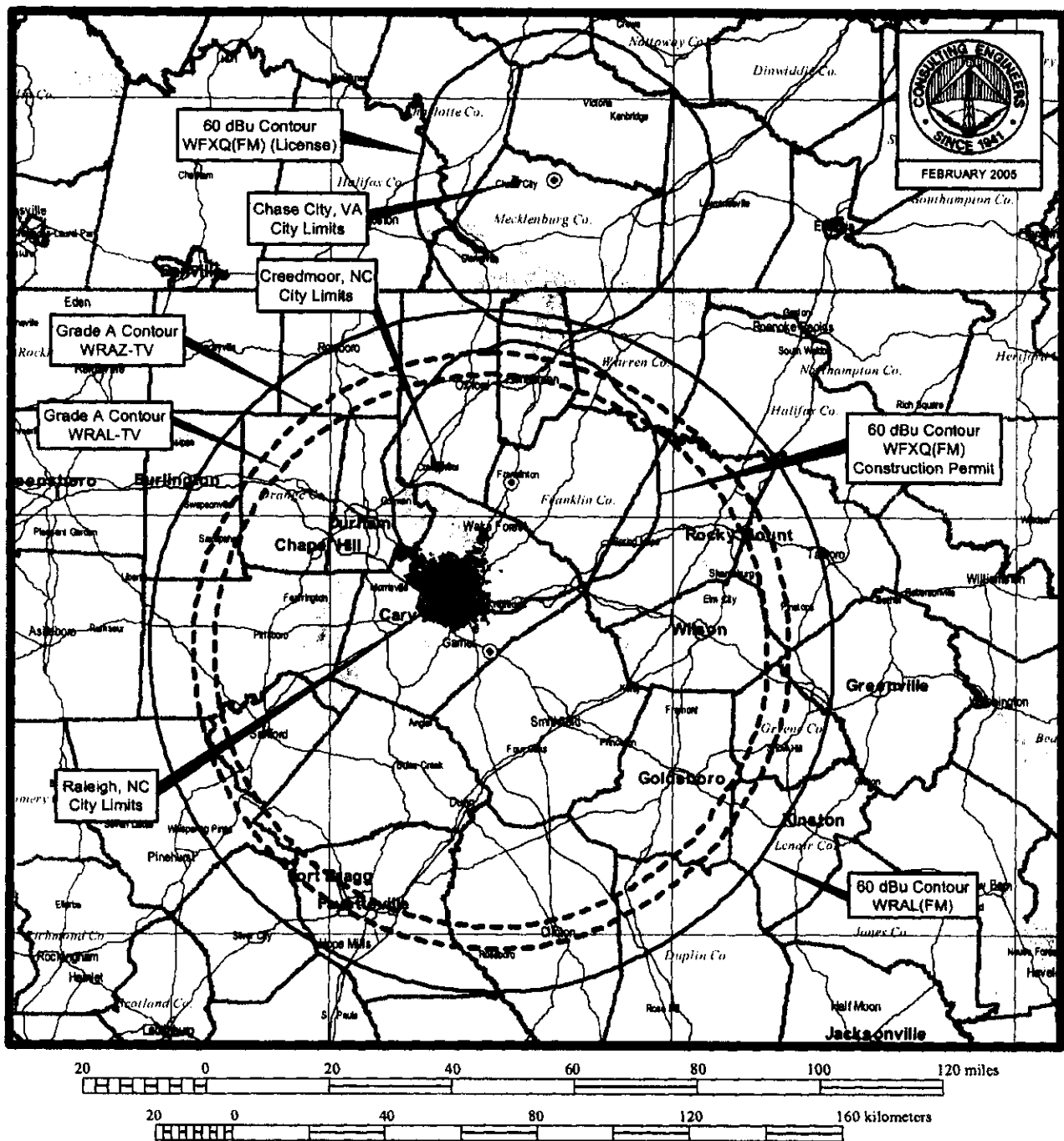
RADIO MULTIPLE OWNERSHIP ANALYSIS
RADIO STATION WFXQ(FM)
CREEDMOOR, VIRGINIA

Tabulation of Stations in Radio Markets

Market 1	
Number	Station
AM Stations	
1	WETC, WENDELL-ZEBULON, NC, 540 kHz
2	WDNZ, RALEIGH, NC, 570 kHz
3	WGTM, WILSON, NC, 590 kHz
4	WDNC, DURHAM, NC, 620 kHz
5	WPTF, RALEIGH, NC, 680 kHz
6	WFMC, GOLDSBORO, NC, 730 kHz
7	WAUG, NEW HOPE, NC, 750 kHz
8	WCKB, DUNN, NC, 780 kHz
9	WRBZ, RALEIGH, NC, 850 kHz
10	WRTG, GARNER, NC, 1000 kHz
11	WFTK, WAKE FOREST, NC, 1030 kHz
12	WTSB, SELMA, NC, 1090 kHz
13	WPYB, BENSON, NC, 1130 kHz
14	WGBR, GOLDSBORO, NC, 1150 kHz
15	WPJL, RALEIGH, NC, 1240 kHz
16	WMPM, SMITHFIELD, NC, 1270 kHz
17	WXKL, SANFORD, NC, 1290 kHz
18	WSSG, GOLDSBORO, NC, 1300 kHz
19	WTIK, DURHAM, NC, 1310 kHz
20	WLLY, WILSON, NC, 1350 kHz
21	WCHL, CHAPEL HILL, NC, 1360 kHz
22	WLLN, LILLINGTON, NC, 1370 kHz
23	WSRC, DURHAM, NC, 1410 kHz
24	WVOT, WILSON, NC, 1420 kHz
25	WYRN, LOUISBURG, NC, 1480 kHz
26	WDUR, DURHAM, NC, 1490 kHz
27	WRTP, CHAPEL HILL, NC, 1530 kHz
28	WCLY, RALEIGH, NC, 1550 kHz
29	WHPY, CLAYTON, NC, 1590 kHz

Figure 2
Sheet 2 of 2

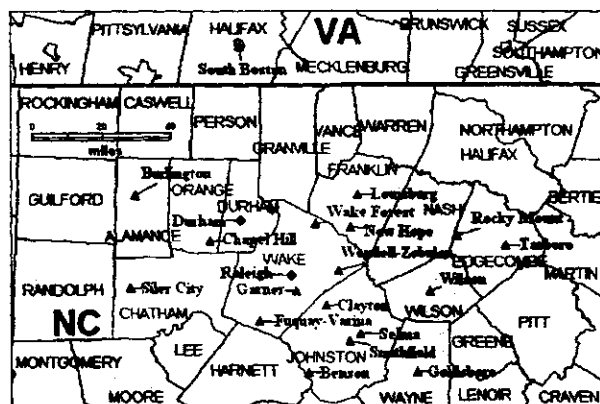
Market 1	
Number	Station
FM Stations	
1	WKNC-F, RALEIGH, NC, Channel 201
2	WUAW, ERWIN, NC, Channel 202
3	WXDU, DURHAM, NC, Channel 204
4	WSHA, RALEIGH, NC, Channel 205
5	WXYC, CHAPEL HILL, NC, Channel 207
6	WCPE, RALEIGH, NC, Channel 209
7	WCCE, BUIES CREEK, NC, Channel 211
8	WDCC, SANFORD, NC, Channel 213
9	WAJC, WILSON, NC, Channel 213
10	WNCU, DURHAM, NC, Channel 214
11	WUNC, CHAPEL HILL, NC, Channel 218
12	WRSN, BURLINGTON, NC, Channel 230
13	WQDR, RALEIGH, NC, Channel 234
14	WBBB, RALEIGH, NC, Channel 241
15	WYMY, GOLDSBORO, NC, Channel 245
16	WZAX, NASHVILLE, NC, Channel 259
17	WFXQ, CREEDMOOR, NC, Channel 260
18	WRVA-F, ROCKY MOUNT, NC, Channel 264
19	WRAL, RALEIGH, NC, Channel 268
20	WKIX, GOLDSBORO, NC, Channel 272
21	WKXU, LOUISBURG, NC, Channel 273
22	WWMY, RALEIGH, NC, Channel 275
23	WNNL, FUQUAY-VARINA, NC, Channel 280
24	WFXK, TARBORO, NC, Channel 282
25	WDCG, DURHAM, NC, Channel 286
26	WRDU, WILSON, NC, Channel 291
27	WFXC, DURHAM, NC, Channel 296
28	WCLN-F, CLINTON, NC, Channel 297



RADIO/TELEVISION CROSS-OWNERSHIP ANALYSIS MAP

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Raleigh-Durham, NC Market Overview



Metro Counties / Population (000)

Chatham, NC	52.9
Durham, NC	233.4
Franklin, NC	51.6
Johnston, NC	135.1
Orange, NC	123.7
Wake, NC	675.4
Total	1,272.1

Market Radio Financials (all figures in 000's, except percentages and ratios)

ESTIMATED GROSS REVENUES **	1998	1999	2000	2001	2002	2003	Δ 98-03
	\$69,500	\$77,900	\$84,000	\$77,800	\$82,400	\$86,500	4.5%
★ ★	Δ 02-03	2004	2005	2006	2007	2008	Δ 03-08
	5.0%	\$92,600	\$97,200	\$102,500	\$107,700	\$113,600	5.6%

	1998	2003	2008	Est. Breakout
Revenue/Retail Sales	NA ^{1/}	\$4.54/1,000	\$4.82/1,000	Local 78%
Revenue/Capita	\$65.35	\$68.00	\$80.45	National 22%

Demographic and Economic Overview (000's, except Retail Sales and EBI in 000,000's)

	1998	2003	Growth Rate	2003	2008	Growth Rate
MSA Population	1,063.5	1,272.1	3.6%	1,272.1	1,412.1	2.1%
Households	422.2	492.9	3.1%	492.9	545.4	2.0%
Retail Sales	NA ^{1/}	19,054.0	NA ^{1/}	19,054.0	23,552.2	4.3%
EBI ^{2/}	19,435.1	26,220.6	6.2%	26,220.6	33,661.2	5.1%

Demographic Breakdown

	Total	Under 12	12 - 17	18 - 24	25 - 34	35 - 44	45 - 54	Over 55
Men (000)	625.2	106.5	50.8	70.8	105.2	107.2	87.5	97.2
Women (000)	646.8	102.3	49.2	67.4	101.6	108.8	93.1	124.5
Total	1,272.1	208.8	100.0	138.2	206.7	216.0	180.6	221.6
Percentage	100.0%	16.4%	7.9%	10.9%	16.3%	17.0%	14.2%	17.4%
Per Capita	\$ 20,612	Median Household		\$ 43,648	Avg Household		\$ 53,192	
Ethnic Population:	White 69.1%	Black 22.5%	Asian 3.1%	Hispanic 6.6%				

Market Summary

FM Classes	Class A	Class B	Class C	Viable FMs	All FMs	All AMs	Total
# Stations	3		12	13	15	22	37
Tot 12+	5.5		56.7	61.0	62.2	11.1	73.3
Avg 12+	1.8		4.7	4.7	4.1	0.5	2.0
Tot LCS	7.5		77.4	83.2	84.9	15.1	100.0
Avg LCS	2.5		6.4	6.4	5.7	0.7	2.7

1/ Estimate not available. See page 6. 2/ EBI estimates are for previous year than noted in column header.



FCC Geographic Market Definition for Raleigh-Durham, NC

Call Letters	AM/FM	Freq	Type Station	Format	Home Market	Market Designtn Date	Home Mkt Rank	Owner	City & State of License	County of License
WFXK	FM	104.3	C	Urban AC	Raleigh-Durham, NC	07/02/2003	43	Radio One Inc	Tarboro, NC	Edgecombe
WCRY	AM	1460	C	Gospel	Raleigh-Durham, NC	07/02/2003	43	Willis Broadcasting Corporation	Fuquay-Varina, NC	Wake
WNNL	FM	103.9	C	Urban/Insp	Raleigh-Durham, NC	07/02/2003	43	Radio One Inc	Fuquay-Varina, NC	Wake
WTSB	AM	1090	C	Sports	Raleigh-Durham, NC	07/02/2003	43	Triangle Sports Broadcasters LLC	Selma, NC	Johnston
WCHL	AM	1360	C	Oldies/Talk	Raleigh-Durham, NC	07/02/2003	43	Vikom Interactive Media LLC	Chapel Hill, NC	Orange
WDCG	FM	105.1	C	CHR	Raleigh-Durham, NC	07/02/2003	43	Clear Channel Communications	Durham, NC	Durham
WDNC	AM	620	C	News/Sprts	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Durham, NC	Durham
WDUR	AM	1490	C	Oldies	Raleigh-Durham, NC	07/02/2003	43	Clear Channel Communications	Durham, NC	Durham
WYMY	FM	96.9	C	Mexican	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Goldsboro, NC	Wayne
WETC	AM	540	C	Span/Mexcn	Raleigh-Durham, NC	07/02/2003	43	p Prieto Communications Inc	Wendell-Zebulon, NC	Wake
WRVA	FM	100.7	C	Oldies	Raleigh-Durham, NC	07/02/2003	43	Clear Channel Communications	Rocky Mount, NC	Nash
WFXC	FM	107.1	C	Urban AC	Raleigh-Durham, NC	07/02/2003	43	Radio One Inc	Durham, NC	Durham
WHPY	AM	1590	C	Christian	Raleigh-Durham, NC	07/02/2003	43	Fellowship Christian Academy	Clayton, NC	Johnston
WQOK	FM	97.5	C	Urban	Raleigh-Durham, NC	07/02/2003	43	Radio One Inc	South Boston, VA	South Boston (City)
WRTG	AM	1000	C	ChrsContem	Raleigh-Durham, NC	07/02/2003	43	Rodriguez, Estuardo	Garner, NC	Wake
WRBZ	AM	850	C	Sports	Raleigh-Durham, NC	07/02/2003	43	p NC Sportsnet LLC	Raleigh, NC	Wake
WMPM	AM	1270	C	Country	Raleigh-Durham, NC	07/02/2003	43	Carolina Broadcasting Service	Smithfield, NC	Johnston
WNCA	AM	1570	C	AC/Nws/Inf	Raleigh-Durham, NC	07/02/2003	43	Chatham Broadcasting Co Inc	Siler City, NC	Chatham
WPJL	AM	1240	C	Religion	Raleigh-Durham, NC	07/02/2003	43	Suttles, William/WPJL Inc	Raleigh, NC	Wake
WPTF	AM	680	C	News/Talk	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Raleigh, NC	Wake
WPYB	AM	1130	C	Cntry/Gospl	Raleigh-Durham, NC	07/02/2003	43	Benson Broadcasting Inc	Benson, NC	Johnston
WQDR	FM	94.7	C	Country	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Raleigh, NC	Wake
WRAL	FM	101.5	C	AC	Raleigh-Durham, NC	07/02/2003	43	Capitol Broadcasting Company Inc	Raleigh, NC	Wake
WRDU	FM	106.1	C	AOR	Raleigh-Durham, NC	07/02/2003	43	Clear Channel Communications	Wilson, NC	Wilson
WCLY	AM	1550	C	Gospel	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Raleigh, NC	Wake
WSRC	AM	1410	C	Gospel	Raleigh-Durham, NC	07/02/2003	43	Willis Broadcasting Corporation	Durham, NC	Durham
WTIK	AM	1310	C	Black Gospl	Raleigh-Durham, NC	07/02/2003	43	Davidson Media Group LLC	Durham, NC	Durham
WYRN	AM	1480	C	Country	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Louisburg, NC	Franklin
WBBB	FM	96.1	C	Rock	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Raleigh, NC	Wake
WRSN	FM	93.9	C	AC	Raleigh-Durham, NC	07/02/2003	43	Clear Channel Communications	Burlington, NC	Alamance
WRTP	AM	1530	C	ChrsContem	Raleigh-Durham, NC	07/02/2003	43	Rodriguez, Estuardo	Chapel Hill, NC	Orange
WFTK	AM	1030	C	Span/Mexcn	Raleigh-Durham, NC	07/02/2003	43	p Truth Broadcasting	Wake Forest, NC	Wake
WDNZ	AM	570	C	News/Talk	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Raleigh, NC	Wake
WKXU	FM	102.5	C	Country	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Louisburg, NC	Franklin

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed



FCC Geographic Market Definition for Raleigh-Durham, NC

Call Letters	AM/ FM	Freq	Type Station	Format	Home Market	Market Designn Date	Home Mkt Rank	Owner	City & State of License	County of License
WAUG	AM	750	C	Gospel	Raleigh-Durham, NC	07/02/2003	43	St. Augustine's College	New Hope, NC	Franklin
WWMY	FM	102.9	C	80s Hits	Raleigh-Durham, NC	07/02/2003	43	Curtis Media Group	Raleigh, NC	Wake
WCPE	FM	89.7	NC	Classical	Raleigh-Durham, NC	07/02/2003	43	Educational Information Corporation	Raleigh, NC	Wake
WKNC	FM	88.1	NC	Variety	Raleigh-Durham, NC	07/02/2003	43	North Carolina State University	Raleigh, NC	Wake
WNCU	FM	90.7	NC	Jazz	Raleigh-Durham, NC	07/02/2003	43	North Carolina Central University	Durham, NC	Durham
WSHA	FM	88.9	NC	Jazz	Raleigh-Durham, NC	07/02/2003	43	Shaw University	Raleigh, NC	Wake
WUNC	FM	91.5	NC	Nws/Tlk/Inf	Raleigh-Durham, NC	07/02/2003	43	University of North Carolina	Chapel Hill, NC	Orange
WXDU	FM	88.7	NC	Variety	Raleigh-Durham, NC	07/02/2003	43	Duke University	Durham, NC	Durham
WXYC	FM	89.3	NC	Educational	Raleigh-Durham, NC	07/02/2003	43	Student Educational Broadcasting Inc	Chapel Hill, NC	Orange

Number of Stations in Geographic Market 43

Previous Stations in Geographic Market

WZTK	FM	101.1	C	News/Talk	Greensboro-Winston Salem-High Point,	11/03/2004	45	Curtis Media Group	Burlington, NC	Alamance
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"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed

Printed: 01/31/2005 Data: 01/31/2005

(c) BIA Financial Network, Inc.

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TECHNICAL EXHIBIT
APPLICATION FOR MODIFICATION OF
CONSTRUCTION PERMIT
RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA

May 9, 2005

CH 260C3 25 KW 66 M

TECHNICAL EXHIBIT
APPLICATION FOR MODIFICATION OF CONSTRUCTION PERMIT
RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

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Figure 2	Allocation Study
Figure 3	Contour Overlap Study with Respect to WZBB(FM)
Figure 4	Contour Overlap Study with Respect to WKXB(FM)
Appendix 1	Vertical Plane Radiation Pattern for Proposed Transmitting Antenna

TECHNICAL EXHIBIT
APPLICATION FOR MODIFICATION OF CONSTRUCTION PERMIT
RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

Technical Statement

This Technical Exhibit was prepared on behalf of radio station WFXQ(FM), Creedmoor, North Carolina in support of an application for modification of construction permit to relocate its transmitting antenna site. WFXQ(FM) is authorized for operation on Channel 260C3 (99.9 MHz) with a nominal non-directional effective radiated power (ERP) of 22 kW and an antenna height above average terrain (HAAT) of 89 m.* The instant minor change application was prepared to relocate WFXQ(FM) to a new transmitter site approximately 20 km west of the authorized site.

Proposed Facilities

The proposed facility will operate on Channel 260C3 with a nominal non-directional ERP of 25 kW and an antenna HAAT of 66 m. The proposed facility meets the maximum Class C3 facilities requirement outlined in Section 73.211 of the FCC Rules.

The proposed transmitting antenna is a "half-wave-spaced" Dielectric model DCR-M4C. The antenna is to be side-mounted on an existing tower structure. The FCC antenna structure registration number for the structure is 1232491. The structure is 86 m in overall height above ground. The antenna radiation center will be located at 60 m above ground level (167 m AMSL).

*See FCC File No. BPH-20040809AAJ.

Radio Station WFXQ(FM)
Creedmoor, North Carolina

Page 2

The proposed facility is not located in a Canadian or Mexican treaty border zone. The proposed WFXQ(FM) facility is well removed, by over 160 km, from the closest FCC Monitoring Station and radio astronomy quiet zones. Therefore, there is no concern for potential interference from the WFXQ(FM) facility to these facilities.

The closest AM station is located more than 14 km from the proposed transmitter site. Therefore, the WFXQ(FM) proposed facility is not subject to the AM pattern protection procedures outlined in Section 73.1692 of the FCC Rules.

Environmental Considerations

With respect to radio frequency (RF) exposure issues, the proposed facility meets the requirements of Section 1.1306(b)(3) concerning human exposure to RF energy.

A worst-case analysis of the RF exposure situation was conducted using the procedures outlined in FCC OET Bulletin No. 65. The following facilities were considered in the RF exposure evaluation:

Call Sign	Channel	Total ERP (kW)	Antenna Radiation Center Height Above Ground (m)	Type of Transmitting antenna	Comment
WFXQ(FM)	260	50	60	Dielectric, DCR-M4C (1/2-wave spaced)	See Appendix 1

A detailed analysis of the maximum RF exposure level from the WFXQ(FM) facilities was conducted at 2-m above ground level considering the transmitting antenna elevation pattern using the FCC RF evaluation software FM Model version 2.1. The following table summarizes the results of the RF exposure analysis:

Radio Station WFXQ(FM)
Creedmoor, North Carolina

Page 3

Call Sign	Channel	Total ERP [†] (kW)	Antenna Radiation Center Height Above Ground (m)	Maximum RF Power Density Occuring at Ground Level (uW/cm ²)	FCC Limit [‡] (uW/cm ²)	Percentage of Limit
WFXQ(FM)	260	50	60	7.5	200	3.8

As indicated, the RF exposure at 2-m above ground level will not exceed 3.8% of the FCC limit for uncontrolled environments. Therefore, the proposal complies with the FCC limits for human exposure to RF radiation at all locations on the ground in the vicinity of the proposed facility.[§]

The base of the tower shall be restricted from access. The applicant shall reduce power or cease operation as necessary to protect persons having access to the tower from RF energy in excess of the FCC guidelines.

Predicted Coverage Contours

The predicted coverage contours were calculated in accordance with Section 73.313 of the FCC Rules. The average terrain elevations from 3 to 16 km from the proposed site were computed using the U.S.G.S. 3-second linearly interpolated terrain database.

The distances to the conventional FCC predicted coverage contours were determined using the average elevations of 3-16-km radials spaced every 45-degrees of azimuth. The antenna radiation center HAAT in each radial direction and the ERP were used in conjunction with the propagation prediction curves of Section 73.333 to determine the distances to contours. Figure 1 is a map showing the predicted coverage contours.

[†] In the case of FM stations, the total horizontally and vertically polarized ERP.

[‡] for uncontrolled environments

[§] See Sections 1.1307 and 1.1310 of the FCC Rules.

Radio Station WFXQ(FM)
Creedmoor, North Carolina

Page 4

As indicated in Figure 1, the proposed predicted 70 dBu contour encompasses the entire community of Creedmoor in compliance with Section 73.315 of the FCC Rules. The city limits of Creedmoor were obtained from the 2000 Census TIGER data files.

Allocation Considerations

As outlined in Figure 2, the proposed facility meets the separation requirements of Section 73.207 of the FCC Rules with respect to all pertinent allotments and assignments with the exception of the following:

1. WZBB(FM), Stanleytown, VA, Channel 260C3
2. WKXB(FM), Burgaw, NC, Channel 260C1
3. RM-11202, Liberty, NC, Channel 262C0

As demonstrated in Figures 3 and 4, the contour protection provisions of Section 73.215 of the FCC Rules are met with respect to WZBB(FM) and WKXB(FM). It is noted that WZBB(FM) is licensed as a "Section 73.215" classified station.

With respect to RM-11202, this proposal is short-spaced with the rule making proposal for Channel 262C0 at Liberty, North Carolina. Channel 262C0 has been proposed as a substitution for Channel 262C at High Point, North Carolina, which is now occupied by WVBZ(FM). See MB Docket No. 05-115. However, with a slight modification of the reference coordinates proposed for RM-11202, both proposals can be accommodated in compliance with the FCC Rules.

For example, a reference site for Channel 262C0 at Liberty located at geographic coordinates 35-51-39N / 79-37-41W would meet the FCC spacing

Radio Station WFXQ(FM)
Creedmoor, North Carolina

Page 5

requirements. This reference site would be 5 km west-northwest of Liberty, which is 13 km closer to Liberty than the reference point currently proposed for Channel 262C0 at Liberty.



Louis Robert du Treil, Jr.

du Treil, Lundin & Rackley, Inc.
201 Fletcher Ave.
Sarasota, Florida 34237

May 9, 2005

The map displays the proposed WFXQ(FM) transmitter site near Chapel Hill, North Carolina. Two signal coverage contours are shown: a 60 dBu contour (outer circle) and a 70 dBu contour (inner circle). The map includes labels for various locations and counties:

- Counties:** Granville Co., Orange Co., Durham Co., Wake Co., Franklin Co., and Vance Co.
- Cities/Towns:** Durham, Chapel Hill, Cary, Raleigh, New Hope, Knightdale, Gamert, Morrisville, Gorman, Wake Forest, Franklinton, Henderson, South Henderson, Oxford, and Roxboro.
- Other Labels:** Gatesville City Limits, Proposed WFXQ(FM) Transmitter Site, 60 dBu, 70 dBu.

A scale bar at the bottom indicates distances in miles (0 to 40) and kilometers (0 to 50). A logo for Consulting Engineers Since 1941 is located in the top left corner.

RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2

TECHNICAL EXHIBIT
APPLICATION FOR MODIFICATION OF CONSTRUCTION PERMIT
RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

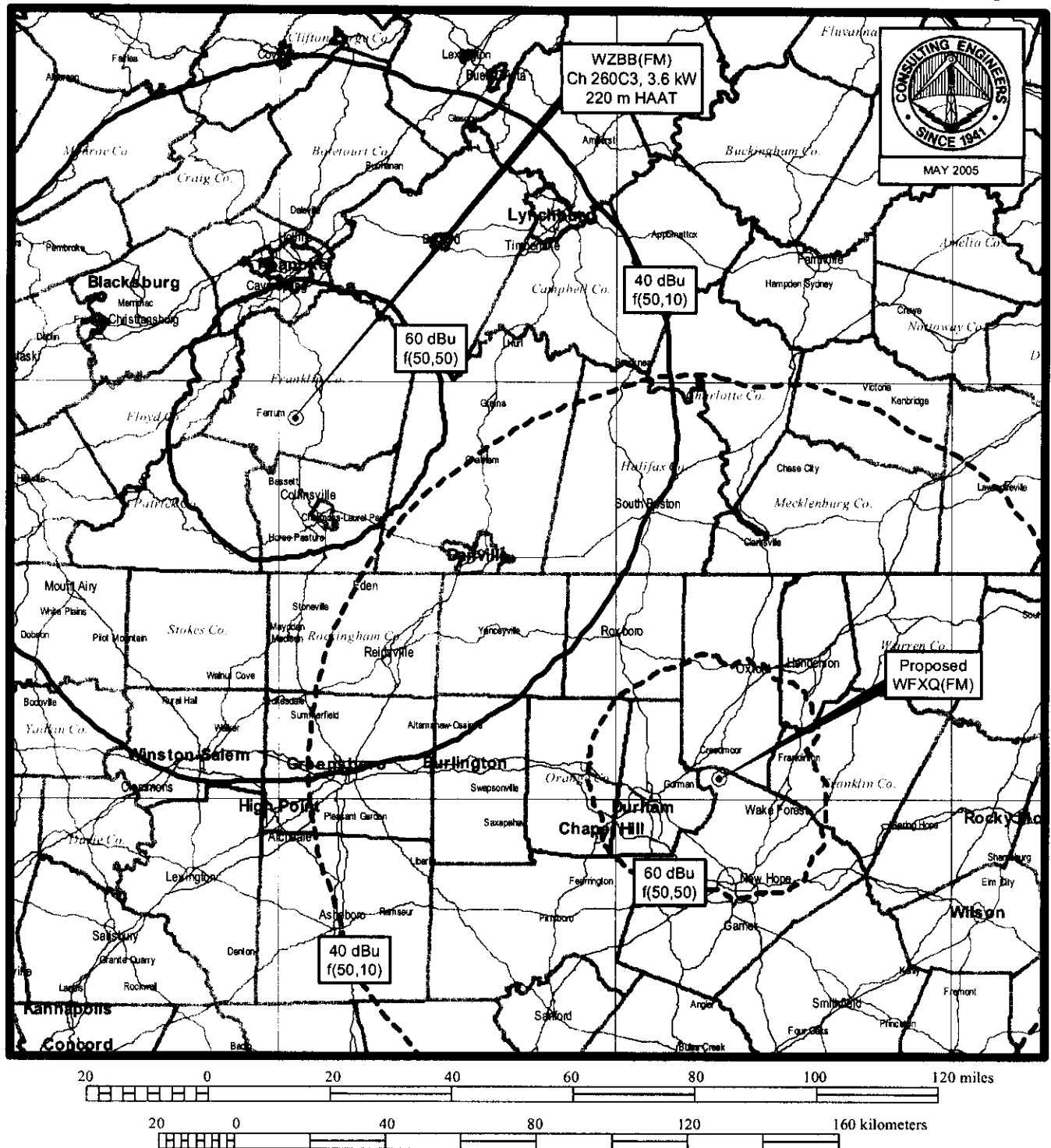
Allocation Study

Job Title: WFXQ
Channel: 257 A

Separation Buffer: 30 km
Coordinates: 36-16-29 76-43-17

Call Id	City St	File Status	Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WMAG 73258	HIGH POINT NC	BMLH LIC C	19900404KC	258 C 99.5	100.000 456	Y 14098	35-52-13 079-50-25	N	259.6	105.51 9.51	96.0 Close
WZAX 76264	NASHVILLE NC	BLH LIC C	19970218KD	259 A 99.7	6.000 100	N	35-57-01 077-57-26	N	99.0	67.04 -21.96	89.0 Short
<i>(Migrated to Channel 257A. See Report and Order in MB Docket 03-232, Released: May 21, 2004.)</i>											
WFXQ 51760	CREEDMOOR NC	BPH CP C	20040809AAJ	260 C3 99.9	22.000 89	N	36-04-52 078-28-27	Y	78.9	19.91	153.0
<i>(Applicant's authorized facility.)</i>											
WFXQ 51760	CHASE CITY VA	BMLH LIC C	20010829AAZ	260 C3 99.9	12.000 143	N	36-48-17 078-20-59	Y	19.8	89.49	153.0
<i>(Applicant's licensed facility.)</i>											
WZBB 73340	STANLEYTOWN VA	BLH LIC C	19960311KF	260 C3 99.9	3.600 220	N	36-54-50 079-57-07	Y	310.9	148.40 -4.60	153.0 Short
<i>(The contour protection requirements of Section 73.215 are met. See Figure 3.)</i>											
WKXB 59481	BURGAU NC	BLH LIC C	19980727KA	260 C1 99.9	100.000 236		34-14-37 078-07-24	N	165.4	206.64 -4.36	211.0 Short
<i>(The contour protection requirements of Section 73.215 are met. See Figure 4.)</i>											
0	LIBERTY NC	RM ADD C	11202	262 C0 100.3	0.000		35-58-57 079-27-29		264.3	69.51 -17.49	87.0 Short
<i>(The proposed facility can be accommodated with a slight change in reference coordinates for the Liberty rule making proposal. See Technical Statement.)</i>											
WVBZ 74204	HIGH POINT NC	BLH LIC C	19880805LB	262 C 100.3	100.000 316	N	35-58-09 079-49-29	N	265.5	102.57 6.57	96.0 Close
0	HIGH POINT NC	RM DEL C	11202	262 C 100.3	0.000		35-58-09 079-49-29		265.5	102.57 6.57	96.0 Close

Figure 3

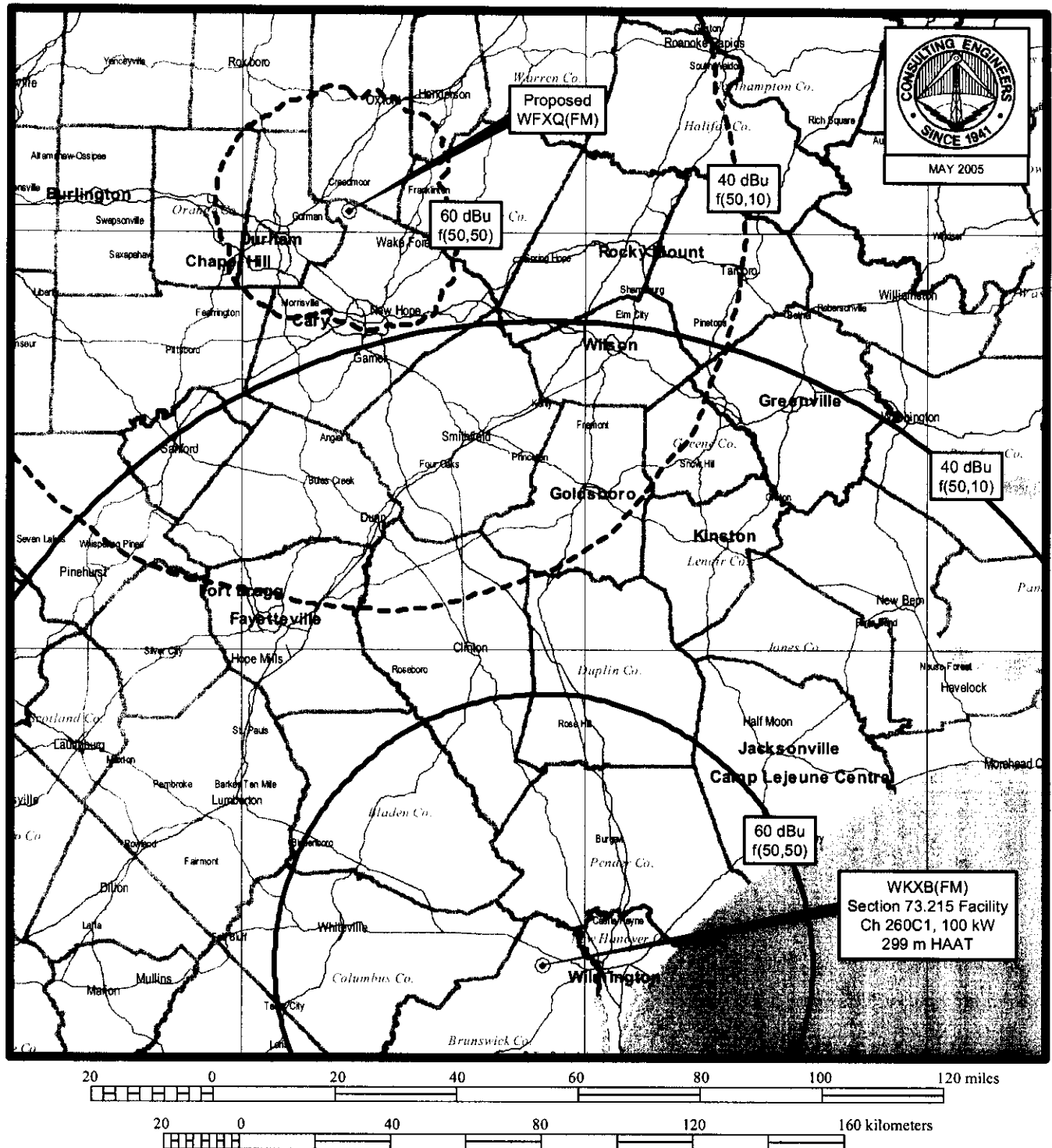


CONTOUR OVERLAP ANALYSIS WITH RESPECT TO WZBB(FM)

RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4



CONTOUR OVERLAP ANALYSIS WITH RESPECT TO WKXB(FM)

RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

TECHNICAL EXHIBIT
APPLICATION FOR MODIFICATION OF CONSTRUCTION PERMIT
RADIO STATION WFXQ(FM)
CREEDMOOR, NORTH CAROLINA
CH 260C3 25 KW 66 M

Vertical Plane Radiation Pattern for Proposed Transmitting Antenna

(see following sheet)

Date

09 May 2005

Call Letters

Channel 260

Location

Customer

Antenna Type

DCR-M4C

ELEVATION PATTERN

RMS Gain at Main Lobe

1.3 (1.14 dB)

Beam Tilt

0.00 Degrees

RMS Gain at Horizontal

1.3 (1.14 dB)

Frequency

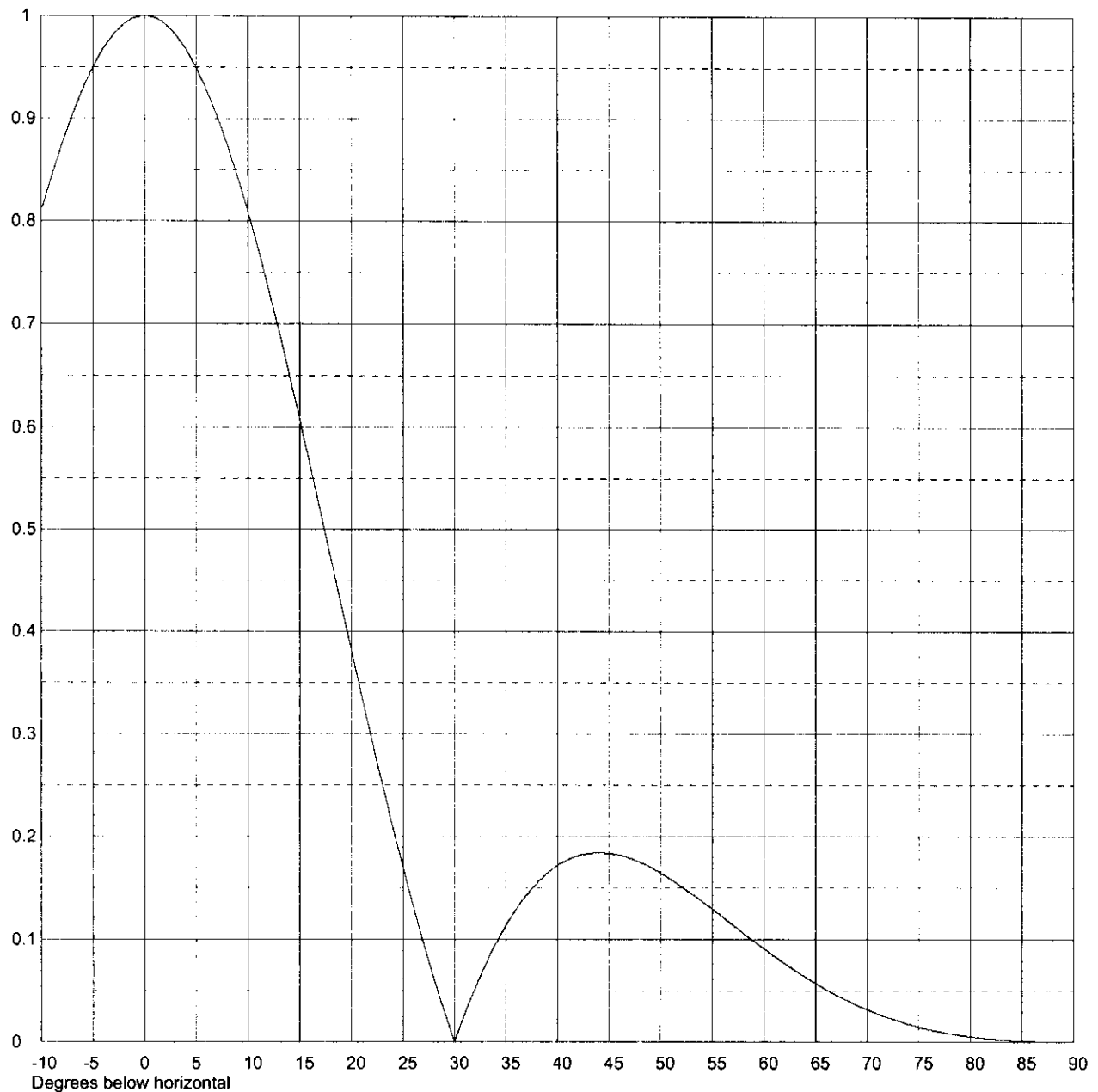
99.90 MHz

Calculated / Measured

Calculated

Drawing #

FC04M5000026000-90



Remarks:

Federal Communications Commission
Commission Registration System (CORES)
CORES Certification Form

I, David O'Connor certify that the FCC Registration Number (FRN) listed below is true and correct to the best of my knowledge, information and belief.

FCC Registration Number (FRN)

0	0	0	1	-	9	6	1	7	-	1	3
---	---	---	---	---	---	---	---	---	---	---	---

ENTITY NAME

C	A	P	I	T	O	L		B	R	O	A	D	C	A	S	T	I	N	G		C	O	M	P	A	N	Y	,		I	N	C	.					
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CERTIFICATE OF SERVICE

I, Laura Ledet, an employee of Holland & Knight LLP, hereby certify that on May 9, 2005, a copy of the foregoing "Comments of Capitol Broadcasting Company, Inc." was served, via first class mail, to the following:

Marissa G. Repp, Esq.
Tarah S. Grant, Esq.
Hogan & Hartson LLP
555 Thirteenth Street, NW
Washington, DC 20004-1109
Counsel for Capstar TX Limited Partnership)



Laura Ledet

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